

**FREMONT PLANNING BOARD**

**August 22, 2007**

**Meeting Minutes**

**Approved September 19, 2007**

Present: Chairman Larry Stilwell, Selectmen Peter Bolduc, Member Mark Pitkin, Member and CC Rep. Jack Karcz, Building Official Thom Roy and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Stilwell called the meeting to order at 7:45 pm.

**MINUTES**

The minutes of the July 11, July 25, and August 8, 2007 meetings were not addressed as there were not enough members present that were at those meeting. They will be addressed at the next meeting.

**TUCK 1998 REVOCABLE TRUST**

Gilbert and Joan Tuck, Trustees  
Map 2 Lot 120

**PUBLIC HEARING**

2-Lot Subdivision

Present: Owners Gilbert & Joan Tuck, Paul Tuck

Mr. Stilwell opened this Public Hearing at 7:50 p.m. and read the public notice as follows:

*Notice is hereby given that the Fremont Planning Board will hold a Public Hearing on August 22, 2007 at 7:30 p.m. in the downstairs Land Use Meeting Room of the Fremont Town Hall, to consider an application from the Tuck Family 1998 Revocable Living Trust, Gilbert and Joan Tuck, Trustees, for a two (2) lot subdivision of Map 2 Lot 120, 495 Middle Road (Rt 111A) in Fremont, New Hampshire. The applicants propose to subdivide their 6.492 acre lot, keeping 3.054 acres with the existing Map 2 Lot 120 and creating a new 3.438 acre residential building lot to be known as Map 2 Lot 120-2. A copy of the plan can be viewed at the Fremont Town Hall during regular business hours.*

Mr. Stilwell noted that this hearing was noticed on August 9, 2007 at the Fremont Post Office and Fremont Town Hall and in the August 10, 2007 edition of the Rockingham News. The applicant and all abutters were notified via certified mail on August 10, 2007 and all returns have been received. The application package consisted of the application, checklist signed by the applicant, 6 sets of plans, letter of authorization, a copy of the deed, a copy of the Brentwood ZBA decision and a copy of the Fremont ZBA decision, cover letter of intent, current abutters list, proper check amount. There were no requested waivers with the application.

It was the consensus of the Board that the application is complete and Mr. Pitkin made the motion that the Planning Board acknowledge and take jurisdiction of the plan and application.

Motion seconded by Mr. Bolduc with unanimous favorable vote.

Mr. Stilwell stated this begins the 65 day clock which will end on November 1, 2007.

Comment sheets were received from:

Health Officer Trudie Butler = *No problems.*

Fire Chief Heselton = *Due to length of driveway (473') there should be a hammerhead turnaround located about 100' from the house. Also driveway should be wide enough for emergency vehicles to pass.*

Fremont Code Enforcement Officer: *No additional comments*

Conservation Commission: *No comment.*

The Board reviewed plan #881 drawn by T.D. Brouillette Land Surveying, dated January 6, 2006 revision dates of June 6, 2006, March 26, 2007 and June 26, 2007. The revisions showed the Wetland information and Certified Wetland Scientist James Long's stamp #007. The plan showed the entire 6.492 acre lot, keeping 3.054 acres with the existing Map 2 Lot 120 and creating a new 3.438 acre residential building lot to be known as Map 2 Lot 120-2. The plan also showed the wetland boundary, existing and proposed wells and well radii, existing dwelling, 4000 sf septic area, locations of test pits. It was noted on the plan that the error of closure does not exceed 1 part in 15,000 and Note #5 stated that the "Proposed lot 2-120-1 total square footage is 149,756 sq.ft. with 11,678 sq.ft. of wetland and 138,078 sq.ft. of total upland (7489 sq.ft. of wetland in Fremont and 4189 sq.ft. of wetland in Brentwood)".

The plan did not show the Aquifer Protection District boundary nor was it noted on the plan that the property lies within it. The State Subdivision Approval for Brentwood was submitted, but there was not one for Fremont.

The August 20, 2007 report generated by RPC Circuit Rider David West was received and reviewed. Mr. West's comments were as follows:

**General Comments.**

1. The application is missing several minor requirements, but appears to be compliant to Zoning at this point.
2. There are required notes from the Brentwood ZBA that are not on the plan. These should be added to the final plan.
3. The easement to access the back lot through Lot 120 should be reviewed by Town counsel.
4. NH DOT driveway permit number should be added to the plan.

**Required Exhibits: Existing Site Conditions (Art III, Sec. 3).**

5. The Zoning District label missing. It should be Flexible Use Residential. **(B)**
6. The areas totals for the existing parcel are missing. **(D)**
7. Are all structures, wells and septic systems on the site and within 200 feet shown on the plan? **(G)**
8. Existing utilities to Lot 120 are missing **(F)**
9. The Applicant is requesting a waiver from HISS mapping. **(L)**
10. A summary of the Fremont Zoning requirements is missing from the plan **(P)**

**Required Exhibits: Proposed Site Conditions (Art III, Sec. 4).**

11. Number of school children the proposal will generate is missing from the plan. **(A)**
12. Distance from Fire and Rescue is missing from the plan. **(B)**
13. Required note "all road and drainage work to conform with the standard specifications for construction in the State of New Hampshire" is missing. **(L)**

14. Proposed utilities should be shown on the plan. Are the proposed utilities above or below ground? (M)

**Driveway regulations**

The proposed lot will need to comply with the Fremont Driveway regulations for the portion of the driveway that is in Fremont.

Mrs. Bolduc stated that Mr. West related during an August 20, 2007 phone conversation that, #3 under General Comments, it would be acceptable for the Brentwood Town Counsel to review the easement language.

After some discussion Mr. Pitkin made the motion to approve the following waiver requests to the Fremont Subdivision Regulation.

1. Article III Section 3-L = HISS Mapping
2. Article III Section 4-M = Show proposed utilities on the plan
3. Article III Section 3-F = Show existing utilities on the plan.
4. Article III Section 3-P = Summary of Zoning Requirements on the plan

And: from Article 5, paragraph 4 of the Fremont Driveway Regulations = property line setback  
Motion seconded by Mr. Bolduc with unanimous favorable vote.

After further discussion and review of the plan by the Board, Mr. Pitkin made the motion that, based on the information presented and pursuant to plan #881 drawn by T.D. Brouillette Land Surveying, dated January 6, 2006 with revision dates of June 6, 2006, March 26, 2007 and June 26, 2007 the Fremont Planning Board approved the requested two (2) lot residential subdivision for the Tuck Family 1998 Revocable Living Trust, Gilbert and Joan Tuck, Trustees, for Map 2 Lot 120, 495 Middle Road (Rt 111A) in Fremont, New Hampshire, including all approved waivers and with the following conditions.

1. Add a note to the plan that states the parcel is in the Fremont Aquifer District.
2. Add the required notes from the Brentwood ZBA to the plan.
3. The Easement to access the back lot through Lot 2-120 to be reviewed and approved by either Fremont or Brentwood Town Counsel.
4. Receipt of the NH DOT Driveway Permit.
5. Add the State of NH DOT driveway permit number to the plan.
6. Add the State of NH DES Subdivision Approval number for Fremont to the plan.
7. Add the Fremont Zoning District label as Flexible Use Residential to the plan.
8. Add a note to the plan stating the number of school children the proposal will generate.
9. Add a note to the plan stating the Distance from Fire and Rescue.
10. Add a note to the plan stating that "all road and drainage work to conform with the standard specifications for construction in the State of New Hampshire".
11. Add a signature block for Brentwood Planning Board signatures.
12. The Town of Brentwood Planning Board signatures on the plan.
13. Add the area totals for the existing parcel lot 2-120.
14. Receipt of the Town Engineers final report.
15. Add a note to the plan stating that Lot 2-120-2 is subject to Impact Fees.
16. Add a hammerhead turn-around approximately one hundred (100') from the house on lot 2-120-2.
17. Show the driveway location of Lot 2-120-2 no closer than five feet (5) to the property line.

18. All conditions must be met within ninety (90) days of this approval.

19. RSA 676:17 shall apply.

Motion seconded by Mr. Karcz with unanimous favorable vote.

Mr. Stilwell declared the motion passed and the subdivision conditionally approved.  
The applicants agreed to submit the proper recording fees.

Mr. Karcz made the motion to close this Public Hearing at 9:03 pm.

Motion seconded by Mr. Pitkin with unanimous favorable vote.

#### ROCKINGHAM PLANNING COMMISSION

At 9:05 pm Mr. Peter Bearse of 40 Andreski Drive met with the Board relative to his interest in becoming a Commissioner representative for Fremont to the Rockingham Planning Commission. Mr. Stilwell related that the process for appointing a Commissioner is the same as other town volunteer Board or Commissions in that the candidate is recommended to the Selectmen by the Planning Board and, if the recommendation is approved by the Selectmen, they appoint him and the formal appointment is drawn and signed.

Mr. Bearse stated that he has spent his life involved as an elected and appointed official at several levels and he is interested in becoming a Commissioner. He is currently on the municipal Budget Committee and the Cable Committee. Mr. Bearse related that he understands from the information provided to him that the responsibility of a Commissioner is to attend monthly meetings to help govern the Commission through decision making/policy setting and to communicate regularly between the Commission and the Town so that the Town is aware of the Commission's activities and the Commission is aware of local issues.

Mr. Bolduc made the motion that the Planning Board recommend to the Board of Selectmen that Mr. Peter Bearse be appointed as a Commissioner representative for Fremont to the Rockingham Planning Commission.

Motion seconded by Mr. Pitkin with unanimous favorable vote.

There was a conversation relative to whether Mr. Bearse, or anyone serving as a Commissioner, should become a member of the Planning Board in conjunction with the Commissioner position and whether this might create a more informed voice to represent the Boards view of the Towns needs going forward so that necessary matters can be addressed. It was noted that being a member of the Planning Board is not required of a Commissioner and no decisions were made relative to this conversation.

The Board thanked Mr. Bearse for his interest and generous offer of his time to represent Fremont as a Commissioner to the Rockingham Planning Commission and they advised him that his next step would be to meet with the Selectmen for their approval. Mr. Bearse thanked the Board and left the meeting at 9:23 pm.

HOWARD HARTFORD  
Map 6 Lot 004

PUBLIC HEARING  
Subdivision

Present: There were no applicants or public present.

Mr. Stilwell opened this Public Hearing at 9:25 p.m. and stated that this is a continuation of the June 20, 2007 portion of this Public Hearing.

Mr. Stilwell stated that the following issues are outstanding:

1. The applicant needs to submit copies of all reference plans.
2. There needs to be a note on the plan for the intent of the plan.
3. Total area of each proposed lot left in its natural state.
4. The deed book and page needs to be on the plan.
5. One of the lots must retain the parent number of Map 6 Lot 4 and the other would be Map 6 Lot 4-1.
6. driveway for lot 6-4-2 is closer than 100' to a wetland
7. driveway for lot 6-4-3 is crossing, a wetland
8. NHDES Standard Dredge and Fill
9. NHDES Wetlands Approval
10. NHDES Subdivision Approval
11. Each page of the plan should contain a signature box for the Planning Board.
12. Show driveway culverts

It was noted that the wells and associated dredging for each of the proposed lots were found to be closer than 100' to wetlands and Special Exceptions to the ZBA have been requested.

Mr. Stilwell reported that the Board has received an August 8, 2007 correspondence from Penny Lewis, for Mr. Hartford, stating that the ZBA hearing has been continued to August 28, 2007 and she requested a continuance of this Public Hearing for after that date.

At 9:35 pm Mr. Karcz made the motion to continue this Public Hearing, at the applicants request, to 7:30 pm on September 12, 2007 to allow time for the applicant to finish addressing the zoning issues with the ZBA and to address outstanding issues of the both the Board and Mr. West. Motion seconded by Mr. Pitkin with unanimous favorable vote.

#### REGULATION AMENDMENTS

Mr. Stilwell stated that Lou Caron of LC Engineering was contacted relative to when HISS mapping should be required and he offered the following: *The HISS mapping as a planning tool appears to have gone away as a method to help determine soils based lot sizing. What I am seeing more of is a Site Specific Soils mapping which is used to assist the engineers determine stormwater runoff from a site as well as suitability to design a septic system. New technology in the area of septic system design and performance dictates a specific site design and review by the NHDES. They have a big role in determining whether a septic system design for a specific site is adequate or not. The design and evaluation would require test pit data at the proposed site.*

This prompted a discussion relative to requiring Site Specific Soils mapping and review by DES rather than HISS mapping. Mr. Roy suggested that to help the Board to determine if it would be cost prohibitive, the Board ask Mr. Caron what, in his experience, would be the approximate cost for Site Specific Soils mapping would be to the developer. Also what his recommendation would be as to "what is appropriate" i.e.; what sort of project, terrain, etc.

To the question of retaining wall standards Mr. Caron offered the following:

*To my knowledge there are no “standards” for retaining wall design except they must be designed to very specific site conditions and proposed loading. These conditions include the supporting soil qualities, the height of the wall, the amount of groundwater present, and the expected loading of the area at the top of the wall (rising slope, parking lot, building, etc.). Any wall over 4’ high should be designed by a qualified NH Professional Engineer.*

#### MASTER PLAN

Mr. Stilwell reiterated that at the last meeting Mr. West related that the cost to update the Transportation Chapter of the Master Plan would be \$4,000 to \$5,000. Mrs. Bolduc reported that she contacted Glenn Greenwood, Senior Planner with RPC to inquire about a grant or matching fund for this chapter. Mr. Greenwood related that there may be “transportation funds” available which he will look into and get back to her.

Mr. Stilwell noted that Mr. West is still working on the Community Facilities chapter. Mrs. Bolduc reported that Theresa Walker of RPC has finished text of the Natural Resources Inventory chapter and is waiting for updated maps to include in the chapter. This was done through the Conservation Commission and RPC. Mr. Stilwell stated that so far the Board has agreed to update the Land Use Chapter of the Master Plan through the RPC Targeted Block Grant and the Housing Chapter of the Master Plan with funds supplied through the Community Technical Assistance Program (CTAP).

Mr. Roy, Mr. West and Mrs. Bolduc met at the Town Hall on August 18, 2007 to discuss Fremont Master Plan updates. As a result of that meeting and research by Mrs. Bolduc, Mr. Roy drafted a table form of the chronology of the Master Plan. This was distributed to the Members and each section of the table was explained and reviewed. It was noted that this could become a working document that would be updated as each chapter is amended or deleted in the future. It was agreed to continue this discussion with the other Members at the next meeting.

#### IMPACT FEE STUDY

Mr. Stilwell reported that Bruce Mayberry has been contacted relative to the possible necessity and cost of an Impact Fee Study. He will report additional information as it becomes available.

#### MERRILL GRAVEL PIT

Map 4 Lot 015

Mr. Stilwell reported that the results of the test pits required by the Planning Board as a condition of the April 11, 2007 Merrill Excavation Permit renewal have been received from Duval Survey, Inc. Mr. Stilwell noted that the testing was to verify that there is no excavation below the agreed 180’ elevation. In the report Mr. Duval stated that on June 7, 2007 a test pit was dug to observe the seasonal high water mark and the test pit showed a seasonal high water depth of 30” below grade.

Mrs. Bolduc reported that George Merrill visited the Land Use Office this week to inquire whether blasting and crushing is allowed at the site. She stated that as per a 1987 court order, among other restrictions, the permit is granted “to allow gravel only and to specifically exclude such activity as road or gravel crushing, screening or washing.” The court also ordered that trucks turn left when leaving the site, excavate to a depth of 4’ and a width of no closer than 40’ to a wetlands.

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Mr. Pitkin stated that at this time the Merrill is 18" below grade and the pit is supposed to be at 4' above the seasonal high water table in all areas at all times. Mr. Bolduc stated, and the Members agreed, that the Board should issue a letter to Mr. Merrill requesting him to meet with the Board to discuss the excavation.

### SEACOAST FARMS

Map 5 Lot 035

Mr. Stilwell reported that on August 2, 2007 the Planning Board sent Mr. Kelly, of Seacoast Farms, revisions, as approved by the Board, to the odor management section (section IV) of the 2006 Seacoast Farms Compost Products Facilities Operations Guidelines. To date there has been no return correspondence from Mr. Kelly.

The Board received a copy of an August 17, 2007 email complaint to Town Administrator Heidi Carlson from Randy Grasso of 527 Beede Hill Road relative to the amount of trucks coming and going at the Seacoast Farms site on Beede Hill Road (Map 5 Lot 035). Also received was Heidi's response to Mr. Grasso inviting him to schedule time on the Selectmen's agenda for a meeting that would include Bob Kelly of Seacoast Farms, to discuss his concerns.

Mr. Roy reported that on August 20, 2007 he sent Mr. Kelly a note requesting him to provide a traffic pattern for the site for over the last 15 days and there has been no response to this request. Mr. Roy reported that there is a pile of sifted excess from the compost at the site within the 100' watershed protection area. A site visit was discussed.

### SHAWN SENTER

Map 3 Lot 169-59-18

Moose Meadow Drive

The Board received a copy of a July 3, 2007 report from Town Engineer Kevin McMahon, of LC Engineering as a result of a complaint from the resident at 110 Whittier Drive that more water run-off was going across their property due to the new road, Moose Meadow Drive, between 117 and 123 Whittier Drive of increased runoff of water from the Moose Meadow Drive. Mr. McMahon reported that he found that the only way water would cross the road to 110 Whittier Drive would be from a cross culvert before that property and he found no culvert in that area. Mr. McMahon stated that it is "our opinion, at this time, that the increased run-off is from an increase in rain events during the recent history."

### ERICA ROMANO

Map 2 Lot 156-1.6

Mr. Stilwell reported that the Board has received An August 13, 2007 correspondence from Roscoe Blaisdell requesting another 30 day extension of the Erica Romano subdivision conditions. In the correspondence Mr. Blaisdell stated that he expects State DES approval this week, but probably not

before this meeting. Mr. Stilwell noted that the 30 day extension approved on July 25, 2007 expired on August 15, 2007.

With little discussion, Mr. Pitkin made the motion that the Board grant the requested 30 day extension to the conditional approval for the Erica Romano subdivision, Map 2 Lot 156-1.6, from August 15 2007 to September 14, 2007.

Motion seconded by Mr. Bolduc with unanimous favorable vote.

#### CORRESPONDENCE

1. A copy of an August 9, 2007 correspondence from the Selectmen to Frank Bettencourt relative to the status of the campground and a mobile unit on his property at of 13 Clough Crossing, Map 2 Lot 029.
2. Notice of the September 29, 2007 Annual CTAP Training Conference.
3. Notice of the October 13, 2007 Office of Energy & Planning (OEP) Fall Planning & Zoning Conference.
4. Notice of the November 7 – 9, 2007 Local Government Center (LGC) Annual Conference

Mr. Bolduc brought up the idea of stipends for Planning Board members and members of other boards/commissions. He noted that this could be incentive to the volunteers. This was briefly discussed.

Mr. Karcz made the motion to adjourn at 10:50 pm.

Motion seconded by Mr. Pitkin with unanimous favorable vote.

Respectfully submitted,  
Meredith Bolduc, Secretary